

Remarks

Claims 1-35 are pending in the application.

Claims 1, 7, 14-16, 20-23, 27, and 30-35 are rejected under 35 U.S.C. §103(a) over Nguyen, U.S. No. 7,036,091 ("Nguyen"), in view of Ohkura, U.S. No. 6,005,601 ("Ohkura").

Claims 2-3, 10-13, 18-19, and 28-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nguyen and Ohkura.

Claims 4-6, 8-9, and 24-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nguyen in view of Alexander et al., U.S. No. 6,177,931 (Alexander).

Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over Nguyen in view of Ohkura.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., simply to avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, because a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having

been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Rejection Under 35 U.S.C. §103

Claims 1, 7, 14-16, 20-23, 27 and 30-35

Claims 1, 7, 14-16, 20-23, 27, and 30-35 are rejected under 35 U.S.C. §103(a) over Nguyen in view of Ohkura. The rejection is traversed.

The Office Action failed to establish a *prima facie* case of obviousness, because the combination of Nguyen and Ohkura fails to teach or suggest all the claim elements.

The Applicants respectfully submit that Nguyen is not a proper prior art reference. Nguyen has a filing date of March 6, 2002, whereas Applicants' application has a priority date of December 5, 2001. Thus, Nguyen is not a proper prior art reference against Applicants' patent application.

However, if the Examiner is relying on the fact that Nguyen claims priority to a provisional application that was filed on October 17, 2001 and/or design patent application filed on September 24, 2001, then the Examiner must apply the Nguyen provisional application and/or design patent as the prior art reference instead. Because an application filed under 35 U.S.C. §111(a) that claims priority to a provisional application does not have to recite the identical specification as that of the provisional application, the Examiner must provide *prima facie* evidence that the alleged teaching in the Nguyen reference has direct support in the Nguyen provisional application. Without such *prima facie* evidence, the Applicants respectfully submit that the Nguyen reference is not a proper prior art reference against Applicants' application.

Because each of the rejections present in the Office Action relies at least in part on Nguyen and no arguments that either Ohkura, or Alexander, alone or in combination, teach all the elements of Applicants' independent claims 21, 22, 33, 34, and 35, each of

such independent claims is allowable under 35 U.S.C. §103(a). Because all of the dependent claims depending from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable 35 U.S.C. §103(a).

Therefore, Applicant's claims 1, 7, 14-16, 20-23, 27, and 30-35 are allowable under 35 U.S.C. §103(a) over Nguyen and Ohkura. The Examiner is respectfully requested to withdraw the rejection.

Claims 2-3, 4-6, 8-9, 10-13, 17-19, 24-26, and 28-29

Claims 2-3, 10-13, 18-19, and 28-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nguyen and Ohkura. Claims 4-6, 8-9, and 24-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nguyen in view of Alexander. Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over Nguyen in view of Ohkura. The rejections are traversed.

Each ground of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. §103(a) given Nguyen and Ohkura. Since the rejection under 35 U.S.C. §103(a) given Nguyen and Ohkura has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that the additional reference(s) supply that which is missing from Nguyen and Ohkura to render the independent claims obvious, these grounds of rejection cannot be maintained.

Therefore, Claims 2-3, 10-13, 18-19, and 28-29 are allowable under 35 U.S.C. §103(a) over Nguyen and Ohkura; Claims 4-6, 8-9, and 24-26 are allowable under 35 U.S.C. §103(a) over Nguyen in view of Alexander; and Claim 17 is allowable under 35 U.S.C. §103(a) over Nguyen in view of Ohkura. The Examiner is respectfully requested to withdraw the rejections.

Secondary References

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicant's disclosure than the primary references cited in the Office Action. Therefore, Applicant believes that a detailed

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discussion of the secondary references is not necessary for a full and complete response to this Office Action.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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